

OGC Has Reviewed

Assistant Director, OCD

21 July 1949

Assistant General Counsel

Proposed language for copyright release for Graphics Register

1. The Graphics Register OCD is faced with certain problems in the field of copyright in connection with their acquisition and subsequent dissemination of graphic material.

2. The material which they acquire is very often already protected by copyright or subject to copyright protection. Legal questions may arise when we republish this graphic material in CIA publications or when we disseminate it to other Government agencies, who in turn utilize the material in their intelligence publications.

3. The fact that copyrighted material is being used solely in an official Government publication does not eliminate the possibility of suit for infringement. The liability will not run against the Agency, but will run against our individual employees. In the controlling case in this field, decided in 1940, the Court pointed out that the position of the defendants as employees of the United States could not protect them from an award of damages on account of their infringement of a copyrighted map, even though the acts were done for the benefit of the Government.

4. In order to avoid possible suits, this office has drawn up the attached release which should be included in all contracts the Graphics Register enters into for copyrighted material.

5. Where the material being furnished us is being furnished gratuitously or at a negligible cost as a favor, paragraph (d) may be omitted as such individuals would probably not agree to it in any event. In other cases, it should be included unless such inclusion would prevent acquisition of needed material.

6. This office will be happy to review any contracts which you enter into from the standpoint of legal sufficiency, particularly until such time as a standard form has been achieved. Any contracts which deviate from the standard form may be submitted here at any time. This office reviews most of the contracts entered into by the Agency for legal sufficiency and will be pleased to assist you in this respect.

Walter L. Pforzheimer

*Subject: "Copyrights" ✓
also "Contracts"
"Legal Forms"*